

DWAYNE C SMITH, ET AL.,

## Plaintiffs,

VS.

**NATIONSTAR MORTGAGE LLC D/B/A MR.  
COOPER.**

Defendant.

CASE No. 18-cv-05612-YGR

**ORDER RE: PLAINTIFFS' FAILURE TO FILE  
AN OPPOSITION TO DEFENDANT'S MOTION  
TO DISMISS**

Re: Dkt. No. 10

On September 20, 2018, defendant Nationstar Mortgage LLC d/b/a/ Mr. Cooper filed a motion to dismiss plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 10.) The hearing on the motion was originally set for November 8, 2018 at 11:00 a.m. Following reassignment to the undersigned, defendant re-noticed the pending motion to dismiss for hearing on November 13, 2018. (Dkt. No. 13.)

Under this Court's Civil Local Rule 7-3, plaintiff was required to file either an opposition to the motion to dismiss, or a notice that plaintiff does not oppose dismissal. Civ. L.R. 7-3(a), (b). Plaintiff's response was due on October 4, 2018. As of the date of this Order, plaintiff has filed neither an opposition nor a notice of non-opposition. As a result, the Court is considering dismissing plaintiff's lawsuit for failure to prosecute.

The Court hereby extends plaintiff's time to file their response. **Plaintiff shall file an opposition to defendants' motion to dismiss (or a statement of non-opposition) by no later than Friday, November 2, 2018. Failure to file a response by that date will result in dismissal of this lawsuit for failure to prosecute.** Any reply to plaintiff's response must be filed not more than 7 days thereafter.

The Court further **VACATES** the hearing currently set for November 13, 2018. After briefing is complete, the Court may reset a hearing date if necessary.

1       The Court advises plaintiff that a Handbook for Pro Se Litigants, which contains helpful  
2 information about proceeding without an attorney, is available in the Clerk's office or through the  
3 Court's website, <http://cand.uscourts.gov/pro-se>.

4       Assistance is available through the Legal Help Center. Parties can make an appointment to  
5 speak with an attorney who can provide basic legal information and assistance. The Help Center  
6 does not see people on a "drop-in" basis, and will not be able to represent parties in their cases.  
7 There is no charge for this service. To make an appointment with the Legal Help Center, you may:  
8 (1) sign up in person on the appointment book outside the Legal Help Center offices at the San  
9 Francisco Courthouse, located at 450 Golden Gate Avenue, 15th Floor, Room 2796, San  
10 Francisco, California or the Oakland Courthouse, located at 1301 Clay Street, 4th Floor, Room  
11 470S, Oakland, California; (2) call 415-782-8982; or (3) email [federalprobonoproject@sfbar.org](mailto:federalprobonoproject@sfbar.org).  
12 The Help Center's website is available at <https://cand.uscourts.gov/legal-help>.

13       **IT IS SO ORDERED.**

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15       Dated: October 16, 2018

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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE